761551N25A - SH - AD - 32A (11/02)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: September 28, 2006

2169500

FILE NO.: FO2~~475540~~

FROM: JOHNNY G. JURADO, COMMANDER
COMMITTEE CHAIRPERSON

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**

DEPUTY NICHOLAS ADRAGNA #[redacted]
DEPUTY [redacted] #[redacted]
DEPUTY [redacted] #[redacted]
DEPUTY [redacted] #[redacted]
DEPUTY JUAN C. RODRIGUEZ #[redacted]
MEN'S CENTRAL JAIL

On May 2, 2006 at approximately 2000 hours, inmates in the 3500 Module assaulted two deputies who were walking in front of the cells on A Row by throwing urine and feces ("Gassing") on them. The 3500 Module houses high level dangerous Hispanic gang members in single man cells. When the inmates were instructed to submit to handcuffing, the entire row responded by throwing trash and objects out of their cells onto the walkway in front of the cells, cursing the deputies and exhibiting a "shank." The inmates in both A Row and C Row, located directly above A Row, engaged in this resistive and assaultive behavior, and a decision was made to extract the inmates from their cells to retrieve the "shank" and any other weapons.

The established cell extraction protocol was initiated and two extraction teams, each lead by a sergeant, removed 17 inmates from C Row. During this process, the extraction team deputies used force which resulted in inmate Abeyta sustaining an injury of a broken orbital facial bone and inmate Perez losing three teeth. Sergeant Jernigan directed and was present for the force used on each of these inmates.

Inmate Abeyta was removed from C Row, Cell #4. He initially indicated he would submit to arrest, but then refused to exit the cell. He resisted the deputies' effort to handcuff him and was pinned to the cell floor with a shield and handcuffed. He was transported to LCMC for treatment for a swollen eye and a minor cut to his lip, and was later diagnosed with a fractured orbital. Inmate Perez was removed from C Row, Cell #26. He utilized his mattress and bedding as armor and refused to exit his cell and submit to handcuffing. Four 37mm stinger rounds were fired at Perez by Deputy Rodriguez when portions of the inmate's feet, hands and torso were exposed from behind his mattress. When the deputies made entry he fought with them. The inmate was "Tased" twice by Deputy [redacted] before the deputies were able to handcuff him and remove him from the cell. Inmate Perez was transported to LCMC for examination and treatment of a head injury incurred apparently from being hit in the face by the stinger pellets. Three of his front

teeth were broken out during the incident. No deputies were injured.

On October 12, 2006, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MMP § 3-01/025.00: Use of Force; MMP § 3-01/025.10: Unreasonable Force; and MMP § 3-01/050.10: Performance to Standards. Concerning:

MMP § 3-01/025.00: Use of Force, and MMP § 3-01/025.10: Unreasonable Force, the Committee determined that the force used by the deputy was reasonable and necessary and in compliance with Department policy. MMP § 3-01/050.10: Performance to Standards, the Committee determined that the tactics employed by the deputies in this incident were within Department Policy.

Johnny G. Jurado, Commander

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Exhibit B	Supplemental report authored by Deputy Salazar, file# 006-00633-5100-057, Dated May 2, 2006.
Exhibit C	Supplemental report authored by Deputy Olvera, file# 006-00633-5100-057, Dated May 2, 2006.
Exhibit D	Supplemental report authored by Deputy [redacted] file# 006-00633-5100-057, Dated May 2, 2006.
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Miscellaneous Documents

- ❑ In-Service copies for May 2, 2005, P.M. shift, M.C.J.
- ❑ Chief's Memorandum on use of force requiring an IAB roll out.

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 006 - 00633 - 5100 - 057	Date: 5/2/06	Time: 1830	
Location: 441 BAUCHET STREET	City or Station: LOS ANGELES, CA 90012		
Bureau/Station/Facility: MEN'S CENTRAL JAIL	Admin. Investigation: YES ☐ NO ☒		
Type of Force: SIGNIFICANT			
Deputy Injury: YES ☒ NO ☐			
IAB Notified: YES ☒ NO ☐	Person Notified: LT. DON SLAWSON	Emp #: [redacted]	
Suspect Injury: YES ☒ NO ☐	IAB Roll Out: YES ☒ NO ☐		

Involved Employee

E1

Employee #: [redacted]	Last Name: [redacted]	First Name: [redacted]	Middle Name:
[redacted]	Race: [redacted]	Unit of Assignment: [redacted]	Work Assignment (Unit #, Module, etc.): [redacted]
[redacted]	Age: [redacted]	Height: [redacted]	Weight: [redacted]
Medical Exam / Treatment: ☐	Photos of Employee: ☐ N/A ☒	Coroner Case #	Directed Force ☒ Significant Force ☐
If Admitted, Name of Hospital:			

Statement: Deputy [redacted] was assigned to the [redacted] under the direct supervision of Sergeant Jernigan. At the direction of Sergeant Jernigan, he was assigned as a pepper ball gun deputy, shooting pepper balls at the cells on C-Row to protect the rest of the extraction team during the extraction of all inmates on C-row. At the direction of Sergeant Jernigan, he shot pepper balls into the cell of inmate Gregorio Perez #8890189 (3500-C-26). For further information, see supplemental reports written by Deputy [redacted]

Statement continue: ☐

E2

Employee #: [redacted]	Last Name: OLVERA	First Name: JASON	Middle Name:
Sex: ☒ Male ☐ Female	Race: H	Unit of Assignment: MCJ	Work Assignment (Unit #, Module, etc.): 25/2700 MOVEMENT #3
Shift: ☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	Age: [redacted] Height: 5-10	Weight: 165
Medical Exam / Treatment: ☐	Photos of Employee: ☐ N/A ☒	Coroner Case #	Directed Force ☒ Significant Force ☒
If Admitted, Name of Hospital:			

Statement: Deputy Olvera was assigned to the Red Extraction Team under the direct supervision of Sergeant Jernigan. At the direction of Sergeant Jernigan, he was assigned as a capture deputy, using personal weapons he extracted Jerome Abeyta #8670986 (3500-C-4). For further information, see supplemental reports written by Deputy Olvera.

Statement continue: ☐

On Duty Supervisor

Emp #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	JERNIGAN,	PAUL	L	SGT	YES ☒ NO ☐	YES ☒ NO ☐
[redacted]	BOTTOMLEY	RONALD		SGT	YES ☒ NO ☐	YES ☒ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	BROSSOIT	SYLVIA	

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	SUTTON	WESLEY	

LIEUTENANT WESLEY SUTTON
Watch Commander (**Print Name**) | Watch Commander's **Signature**: | Emp #: | Date

SERGEANT PAUL JERNIGAN
Supervisor Completing Form: (**Print Name**) | [redacted] Emp #: | JERNIGAN Copy Provided to Employee by: | 177702 Emp #:

CAPTAIN JOHN CLARK
Unit Commander (**Print Name**) | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only
FO# 2169500

Original: Discovery Unit
[redacted] Commander
8/22/06

SH-R-438P(Rev. 11/04)

Supervisor's Report on Use of Force

URN: 006-00633-5100-057

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE APPLIED ***(Only One Code Per Block)***

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Type of Injury (Code)	Body Part (Code)
E#1	S#1	SH	FR	FA
E#1	S#2	TT	SD	FA
E#2	S#1	TT	FR	FA
E#3	S#1	TT	FR	FA
E#4	S#1	OC	CP	HE
E#4	S#2	OC	CP	HE
E#5	S#2	SH	SD	HE
E#6	S#2	PH	CP	FA
E#7	S#2	TR	CP	BK
E#8	S#2	SG	FR	HE
E#9	S#2	OC	CP	FA

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE INFORMATION

URN: 006-00633-5100-057

Involved Employee Continuation

E3

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	

[redacted] Race: [redacted] | Unit of Assignment: [redacted] | Work Assignment (Unit #, Module, etc.): [redacted]

[redacted] | Age: [redacted] | Height: [redacted] | Weight: [redacted]

Medical Exam / Treatment: ☐ Photos of Employee: ☐ N/A ☒ | Coroner Case # | Directed Force ☒

If Admitted, Name of Hospital: | Significant Force ☒

Statement: Deputy [redacted] was assigned to the [redacted] under the direct supervision of Sergeant Jernigan. At the direction of Sergeant Jernigan, he was assigned as a MK-46 Oleoresin Capsicum canister deputy, spraying it into the cells of the following inmates:Jerome Abeyta #8670986 (3500-C-4). Deputy [redacted] was also assigned as the [redacted] and used the shield and personal weapons at the direction of Sergeant Jernigan to extract inmate Gregorio Perez #8890189 (3500-C-26). For further information, see supplemental reports written by Deputy [redacted]

Statement continue: ☐

E4

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	

Sex: ☐ Male ☒ Female | Race: H | Unit of Assignment: MCJ | Work Assignment (Unit #, Module, etc.): 7100 CNTRL/PRL #1

Shift: ☐ EM ☐ Day ☒ PM | ☐ Regular Shift ☒ OT Shift ☐ Off Duty | Age: [redacted] | Height: 6-00 | Weight: 215

Medical Exam / Treatment: ☐ Photos of Employee: ☐ N/A ☒ | Coroner Case # | Directed Force ☒

If Admitted, Name of Hospital: | Significant Force ☒

Statement: Deputy [redacted] was assigned to the Red Extraction Team under the direct supervision of Sergeant Jernigan. At the direction of Sergeant Jernigan, he was assigned as a pepper ball gun deputy, shooting pepper balls into the cells of the following inmates: Jerome Abeyta #8670986 (3500-C-4) and Gregorio Perez (3500-C-26). For further information, see supplemental reports written by Deputy [redacted]

Statement continue: ☐

E5

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	

Sex: ☒ Male ☐ Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Shift: ☐ EM ☐ Day ☒ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: | Height: | Weight:

Medical Exam / Treatment: ☐ Photos of Employee: ☐ N/A ☐ | Coroner Case # | Directed Force ☒

If Admitted, Name of Hospital: | Significant Force ☒

Statement: Deputy [redacted] was assigned to the Red Extraction Team under the direct supervision of Sergeant Jernigan. At the direction of Sergeant Jernigan, he was assigned as the 37mm stinger gun deputy, shooting stinger rounds into the cells of the following inmates: Gregorio Perez (3500-C-26) 4 rounds. For further information, see supplemental reports written by Deputy [redacted]

Statement continue: ☐

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE INFORMATION

URN: 006-00633-5100-057

Involved Employee Continuation

E6

Employee #	Last Name	First Name	Middle Name
[redacted]	Salazar	Edison	

Sex: ☒ Male ☐ Female | Race: Hispanic | Unit of Assignment: Men's Central Jail | Work Assignment (Unit #, Module, etc.): 3500/3700 Movement #2

Shift: ☐ EM ☐ Day ☒ PM ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 5-11 | Weight: 175

Medical Exam / Treatment: ☐ Photos of Employee: ☐ N/A ☐ | Coroner Case # | Directed Force ☒ Significant Force ☒

If Admitted, Name of Hospital:

Statement: Deputy Salazar stated he was working as 35/3700 Movement Deputy # 2 and inside module 3500 A-Row when inmates on that row began throwing human waste at him and other deputies. Deputy Salazar immediately retreated off the row and notified Senior Sullivan and then Sgt. Matillo (writer). Both Senior Sullivan and Sgt. Matillo responded immediately and Sgt. Matillo directed Deputy Salazar was assigned as a Capture Deputy on the Red Extraction Team. Deputy Salazar used directed significant force to effect the extraction of inmate Abeyta.

Statement continue: ☐

E7

Employee #	Last Name	First Name	Middle Name
[redacted]	Rodriguez	Juan	C.

Sex: ☒ Male ☐ Female | Race: Hispanic | Unit of Assignment: Men's Central Jail | Work Assignment (Unit #, Module, etc.): 35/37 Prowler

Shift: ☐ EM ☐ Day ☒ PM ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 5-09 | Weight: 140

Medical Exam / Treatment: ☐ Photos of Employee: ☐ N/A ☐ | Coroner Case # | Directed Force ☒ Significant Force ☒

If Admitted, Name of Hospital:

Statement: Deputy Rodriguez was assigned as a Shield Deputy for the Red Extraction Team. deputy Rodriguez used directed significant force on Inmates Abeyta and Perez.

Statement continue: ☐

E8

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	

Sex: ☒ Male ☐ Female | Race: Hispanic | Unit of Assignment: men's Central Jail | Work Assignment (Unit #, Module, etc.): 2100/2300 Title 15

Shift: ☐ EM ☐ Day ☒ PM ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 5-10 | Weight: 160

Medical Exam / Treatment: ☐ Photos of Employee: ☐ N/A ☐ | Coroner Case # | Directed Force ☒ Significant Force ☐

If Admitted, Name of Hospital:

Statement: Deputy [redacted] was assigned as a Taser deputy on the Red Extraction Team. Deputy [redacted] used directed Taser deployments on Inmate Perez.

Statement continue: ☐

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE INFORMATION

URN: 006-00633-5100-057

Involved Employee Continuation

E9

Employee #	Last Name	First Name	Middle Name
[redacted]	Adragna	Nicholas	

Sex: ☒ Male ☐ Female | Race: W | Unit of Assignment: Men's Central Jail | Work Assignment (Unit #, Module, etc.): 2000 Prowl #1

Shift: ☐ EM ☐ Day ☒ PM | ☒ Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 5-07 | Weight: 145

Medical Exam / Treatment: ☐ Photos of Employee: ☐ N/A ☐ | Coroner Case # | Directed Force ☒ Significant Force ☒

If Admitted, Name of Hospital:

Statement: Deputy Adragna was assigned as a Capture Deputy on the Red Extraction Team. he reported using significant force (punches) on Inmate Perez.

Statement continue: ☐

E_

Employee #	Last Name	First Name	Middle Name

Sex: ☐ Male ☐ Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Shift: ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | Age: | Height: | Weight:

Medical Exam / Treatment: ☐ Photos of Employee: ☐ N/A ☐ | Coroner Case # | Directed Force ☐ Significant Force ☐

If Admitted, Name of Hospital:

Statement:

Statement continue: ☐

E_

Employee #	Last Name	First Name	Middle Name

Sex: ☐ Male ☐ Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Shift: ☐ EM ☐ Day ☐ PM | ☐ Regular Shift ☐ OT Shift ☐ Off Duty | Age: | Height: | Weight:

Medical Exam / Treatment: ☐ Photos of Employee: ☐ N/A ☐ | Coroner Case # | Directed Force ☐ Significant Force ☐

If Admitted, Name of Hospital:

Statement:

Statement continue: ☐

Supervisor's Report on Use of Force
SUSPECT INFORMATION

URN: 006-00633-5100-057

Suspect Information

S 1

Last Name Reyes First Name Jose Middle Name

AKA Last Name First Name Middle Name

Sex: [X] Male [ ] Female | Race: Hisp | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: [redacted] | Home Phone: [redacted] | Age: 31 | Height: 507 | D.O.B. 08/26/73 | Weight: 150 | Armed? [ ]

Booking #: 8342341 Primary Charge Code: 187 P.C. Secondary Charge Code: Criminal History [redacted]

EMT in attendance? [ ] YES [ ] NO Name: ____ Unit: ____ Phone #: ____

EMT's Statement: Refer to part four of this 438 prepared by Sgt. Robles.

Hospital Admission? [ ] Rec'd Treatment At: ____ Coroner Case #: ____ Mental History [ ]

By Doctor: ____ Address: ____ Phone #: ____

Doctor's Statement: Refer to part four of this 438 prepared by Sgt. Robles.

Under Influence: [ ] YES [ ] NO Substance: ____ Photos of Suspect's Injuries [ ] YES [ ] NO

Suspect Interview

Date: 05/02/06 Time: Audiotape: [ ] Videotape: [X]

Statement: Refer to part four of this 438 prepared by Sgt. Robles.

Statement continue: [ ]

S 2

Last Name Mariscal First Name David Middle Name

AKA Last Name First Name Middle Name

Sex: [X] Male [ ] Female | Race: Hisp | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: [redacted] | Home Phone: [redacted] | Age: 23 | Height: 601 | D.O.B. 02/18/81 | Weight: 150 | Armed? [ ]

Booking #: 8354814 Primary Charge Code: 187 P.C. Secondary Charge Code: Criminal History [redacted]

EMT in attendance? [ ] YES [ ] NO Name: ____ Unit: ____ Phone #: ____

EMT's Statement: Refer to part four of this 438 prepared by Sgt. Robles.

Hospital Admission? [ ] Rec'd Treatment At: ____ Coroner Case #: ____ Mental History [ ]

By Doctor: ____ Address: ____ Phone #: ____

Doctor's Statement: Refer to part four of this 438 prepared by Sgt. Robles.

Under Influence: [ ] YES [ ] NO Substance: ____ Photos of Suspect's Injuries [ ] YES [ ] NO

Suspect Interview

Date: 05/02/06 Time: Audiotape: [ ] Videotape: [X]

Statement: Refer to part four of this 438 prepared by Sgt. Robles.

Statement continue: [ ]

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

URN: 006-00633-5100-057

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	JERNIGAN	PAUL	

Statement: Sgt. Jernigan was the team leader for the Red Extraction Team. Sgt. Jernigan said his team extracted the following inmates: [redacted] Jerome Abeyta #8670986, Arthur Perez #8497625, [redacted] Sgt. Jernigan said inmates Jerome Abeyta #8670986 and Arthur Perez #8497625 appeared to give up after Oleoresin Capsicum spray was introduced into their cells, but they refused to be handcuffed. Due to their refusal, Sgt. Jernigan had a shield deputy enter their cells, and pin the inmates to the floor to prevent them from attacking. Once pinned, these two inmates submitted to handcuffing without incident. All other inmates refused to comply with verbal orders to submit to handcuffing, even after chemical and less than lethal weapons were introduced into their cells. They fiercely fought with the shield and capture deputies inside their cells. The inmates did not stop fighting until they were physically overpowered, and handcuffed. They were removed from the cells only after they were handcuffed. Sgt. Jernigan supervised and directed the use of force during the cell extractions and removals. For further details, refer to supplemental reports written by Sgt. Jernigan.

Statement continue: ☐

Emp. #	Last Name	First Name	Middle Name

Statement:

Statement continue: ☐

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Statement:

Statement continue: ☐

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Statement:

Statement continue: ☐

Supervisor's Report on Use of Force

URN: 006-00633-5100-057

Supervisor's Review

Brief Synopsis:

Module 3500 "C" row houses South-Side gang members who are known for their extensive records of being recalcitrant and assaultive toward staff and other inmates within the County Jail system. These gang members must be segregated from other inmates. After several verbal orders were given by the module deputy, senior deputy, floor sergeant and watch commander, Captain Clark authorized the use of force to extract any inmates who refused to submit to handcuffing.

In the end, one inmate was removed from his cell after the deployment of O.C. solution and/or pepper balls. Two inmates were removed from their cells after the deployment of O.C. solution and/or pepper balls, after being pinned with the shield. The remaining thirteen inmates were forcibly extracted from their cells.

Watch Commander Conclusion / Findings / Training Recommendation

WATCH COMMANDER'S REVIEW:

The initiation of extraction procedures for sixteen inmates was necessitated by their assaultive behavior toward staff and their refusal to allow the deputies to conduct security checks. Due to the fact that these inmates had been involved in similar disturbances in the past, the emergent cell extraction protocol was initiated. Captain Clark was advised of the incident and responded to the facility. Both, Emergency Response Teams 1 & 2 and the Extraction Teams were activated.

Each inmate was warned numerous times and given ample opportunity to give up, but they unanimously refused to submit to handcuffing. The individual inmate's actions as well as their collaborative effort to resist gave rise to the level of force used to extract or remove them from their cells. The extraction teams started with verbal commands, which met with negative results. The extraction teams then moved to the introduction of Oleoresin Capsicum, the deployment of 37mm stinger rounds, one stinger grenade as a diversionary tactic, the use of the shield for take-down, and Taser & personal weapons as needed to overcome any resistance. The level and amount of force used was either increased or decreased, depending on the inmates' individual actions. The force used on each inmate was necessitated by the inmates' assaultive and unpredictable behavior.

One inmate gave up after deputies deployed O.C. solution or pepper balls from outside of his cell. Two inmates gave up after being pinned with the shield. The remaining thirteen inmates were forcibly removed from their cells. I reviewed the submitted reports and found no inconsistency in the force reporting process. The levels of force used in all extractions and removals were objectively reasonable and within the Department policy.

____

Lt. Wesley Sutton

Attachments:

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

DIRECTED SIGNIFICANT FORCE INCIDENT EVALUATION

UNIT:	Men's Central Jail
DATE:	May 2, 2006, Tuesday
TIME:	B/T 2000 and 2300 hours
LOCATION:	3500 A & C Module
URN#:	006-00633-5100-057
IAB#:	FO2169500

NATURE OF INCIDENT:

At approximately 2000 hours on May 2, 2006, inmates in the 3500 Module assaulted two deputies who were walking in front of the cells on A Row by throwing urine and feces("Gassing") on them. The 3500 Module houses high level dangerous Hispanic gang members in single man cells. When the inmates were instructed to submit to handcuffing, the entire row responded by throwing trash and objects out of their cells onto the freeway (walk way area in front of the cells), cursing the deputies, and exhibiting a jail-made knife. The inmates in both A and C Rows exhibited the same assaultive and resistive behavior. The decision to extract the inmates from their cells to retrieve the knife and any other weapons was made by the watch commander.

The established cell extraction protocol was initiated and two extraction teams, each lead by a sergeant, removed seventeen inmates from C Row. During this process the extraction team deputies used force which resulted in Inmate Jerome Abeyta sustaining a fractured orbital facial bone and Inmate Gregorio Perez losing three teeth.

Inmates Abeyta and Perez were transported to L.C.M.C. where they were examined and diagnosed with their injuries.

BY: Larry L. Landreth, Sergeant
DATE: August 2, 2006

Internal Affairs Bureau Lieutenants Stacy Lee and Don Slawson were notified and Sergeants Larry Landreth and Clay Anderson responded to Men's Central Jail to conduct an administrative review of the incident.

The following review is based on written documentation, interviews of witnesses and medical staff.

INVOLVED PERSONNEL:

Inmate Jerome Abeyta

Rodriguez, Juan C. - Deputy Sheriff, Employee [redacted]
Men's Central Jail
Custody Operations Division

EMPLOYEE'S WORK HISTORY:

Date of Employment:	01-11-2000
Date Assigned to Custody:	[redacted]
Completed Custody Training:	[redacted]
Prior Founded Force Incidents:	[redacted]

Salazar, Edson - Deputy Sheriff, Employee [redacted]
Men's Central Jail
Custody Operations Division

EMPLOYEE WORK HISTORY:

Date of Employment:	01-05-2001
Date Assigned to Custody:	[redacted]
Completed Custody Training:	[redacted]
Prior Founded Force Incidents:	[redacted]

Olvera, Jason - Deputy Sheriff, Employee [redacted]
Twin Towers Correctional Facility
Custody Operations Division

EMPLOYEE WORK HISTORY:

Date of Employment:	11-03-2004
Date Assigned to Custody:	[redacted]
Completed Custody Training:	[redacted]

Prior Founded Force Incidents: [redacted]

[redacted] - Deputy Sheriff, Employee #[redacted]
Men's Central Jail
Custody Operations Division

EMPLOYEE'S WORK HISTORY:

Date of Employment: 08-27-2001
Date Assigned to Custody: [redacted]
Completed Custody Training: [redacted]
Prior Founded Force Incidents: [redacted]

<u>Inmate Gregorio Perez</u>

[redacted] - Deputy Sheriff, Employee #[redacted]
[redacted]

EMPLOYEE'S WORK HISTORY:



Date of Employment: [redacted]
Date Assigned to Custody: [redacted]
Completed Custody Training: [redacted]
Prior Founded Force Incidents: [redacted]

Adragna, Nicholas - Deputy Sheriff, Employee #[redacted]
Men's Central Jail
Custody Operations Division

EMPLOYEE WORK HISTORY:

Date of Employment: 07-10-2003
Date Assigned to Custody: [redacted]
Completed Custody Training: [redacted]
Prior Founded Force Incidents: [redacted]

[redacted] - Deputy Sheriff, Employee #[redacted]
Men's Central Jail
Custody Operations Division

EMPLOYEE WORK HISTORY:

Date of Employment: 11-02-2000
Date Assigned to Custody: [redacted]
Completed Custody Training: [redacted]
Prior Founded Force Incidents: [redacted]

[redacted] - Deputy Sheriff, Employee #[redacted]
Men's Central Jail
Custody Operations Division

EMPLOYEE WORK HISTORY:

Date of Employment: 11-03-2004
Date Assigned to Custody: [redacted]
Completed Custody Training: [redacted]
Prior Founded Force Incidents: [redacted]

[redacted] Deputy Sheriff, Employee #[redacted]

EMPLOYEE WORK HISTORY:

Date of Employment: [redacted]
Date Assigned to Custody: [redacted]
Completed Custody Training: [redacted]
Prior Founded Force Incidents: [redacted]

> **IAB Note: Deputy Juan C. Rodriguez, #[redacted] was also involved with the use of force on Inmate Perez. He was also assigned to the second extraction team as a Take-Down Deputy. Deputy [redacted] #[redacted] was assigned as a Pepper Ball Deputy on both incidents.**

INVOLVED INMATES:

Abeyta, Jerome, MH/42, **Booking #8670986,** DOB: 05-21-1963.
[redacted]

Booking Charges: 12021 (a) PC, bail set at $160,000.
CII: [redacted] **Main#:** [redacted] **FBI#:** [redacted] **CDC/CYA#:** [redacted]

Involved Suspect Criminal History:
Inmate Abeyta has an [redacted] He is an admitted Primera Flats E/S Gang member. Refer to the CCHRS printout included in this review. **(Refer to Exhibit M)**

Perez, Gregorio, MH/24, **Booking #8890189,** DOB: 04-12-1982.
[redacted]

Booking Charges: 12021 (a) PC, No bail set for Perez.
CII: [redacted] **Main#:** [redacted] **FBI#:** [redacted] **CDC/CYA#:** [redacted]

Involved Suspect Criminal History:
Inmate Perez has an [redacted] Perez is also an admitted Primera Flats E/S Gang member. Refer to the CCHRS printout included in this review. **(Refer to Exhibit M)**

INVOLVED DEPUTY WITNESSES:

Jernigan, Paul, Sergeant, #[redacted]

NON- EMPLOYEE/INMATE WITNESSES:

None

INMATE JEROME ABEYTA

INVOLVED EMPLOYEE STATEMENTS:

Deputy Juan C. Rodriguez, #[redacted] prepared a crime report and provided a statement to Men's Central Jail Sergeant Jernigan.

Deputy Rodriguez wrote on May 2, 2006, he was assigned to the Men's Central Jail Red Extraction Team, as a Shield Deputy **(Refer to Exhibit O for a copy of the Disturbance Load Sheet)**. At about 2000 hours, Deputy Rodriguez' extraction team was activated and ordered to respond to the 3000 Floor. Once the team was assembled, Sergeant Paul Jernigan conducted a briefing of the team members. The briefing surrounded the prior assault on custody staff, facts of the planned extraction, and the duties of each extraction team member **(Refer to Exhibit L,**

for a copy of Sgt. Jernigan's supplemental report outlining the briefing and debriefing of the incident).

After the team briefing, the Red Extraction Team formed up in front of the C Row for the 3500 Module. Deputy Rodriguez said he saw several inmates throwing food and cussing at deputy personnel. When the team arrived in front of cell #4, Jerome Abeyta's cell, Inmate Abeyta was standing to the rear holding up a mattress as cover. Sergeant Jernigan offered a last opportunity to have Abeyta drop the mattress, give up, and submit to handcuffing. Inmate Abeyta refused and Sergeant Jernigan directed Deputy [redacted] to launch pepper balls into the cell. Inmate Abeyta refused to surrender and Sergeant Jernigan directed Deputy [redacted] to spray a burst of Oleoresin Capsicum spray from the MK 46 at Inmate Abeyta. Rodriguez saw Deputy [redacted] spray into the cell and Inmate Abeyta dropped the mattress. Abeyta refused to submit to handcuffing and turned his back toward the deputies while remaining to the rear of his cell. Rodriguez said he heard Sergeant Jernigan order the inmate several times to give up and allow the deputies to place him in handcuffs. Each order went without a response.

Sergeant Jernigan ordered the extraction team to begin the extraction. When the cell door was opened, Deputy Rodriguez entered carrying the shield in front and struck Inmate Abeyta in the back, knocking him face first against the back cell wall. Inmate Abeyta was able to remain standing, pinned up against the wall. Deputies [redacted] Salazar and Olvera grabbed onto Abeyta's legs and drove him down to the floor. As Abeyta fell to the floor, his head struck the cell sink and he was placed in handcuffs by Deputy Salazar.

Inmate Abeyta was escorted to the selected medical triage area on the 3000 Floor, where he was examined by nursing staff. Abeyta was transported to LCMC to be treated for the injuries to his head. Deputy Rodriguez said he reported his force to Sergeant Jernigan.

IAB Note: refer to Exhibit A for a copy of Rodriguez' supplemental report documenting his actions, observations and use of force, under the file # 006-00633-5100-057.

Deputy Edson Salazar prepared a supplementary report and provided a statement to Central Jail Sergeant Paul Jerinigan.

Deputy Salazar reported substantially the same as Deputy Rodriguez reported with the following exceptions. Salazar said he was assigned as a Capture Deputy on the Red Extraction Team. He was directed to enter the cell and went in behind Deputy Rodriguez. Deputy Rodriguez drove the inmate against the rear cell wall with the ballistic shield. Once the inmate was pinned against the wall, Salazar grabbed onto the inmate's legs and pulled them out from under him. Deputy Rodriguez was able to force Abeyta to the floor and Salazar reported he and Deputy Olvera were able to control the inmates arms while he placed handcuffs on Abeyta.

IAB Note: refer to Exhibit B for a copy of Salazar's supplementary

report documenting the incident, his force used and observations, under the file # 006-00633-5100-057.

Deputy Jason Olvera, #[redacted] wrote a supplementary report documenting his involvement, use of force and observations. He also verbally reported his observations to Sergeant Paul Jernigan.

Deputy Olvera reported the same observations as Deputies Rodriguez and Salazar except for the following. Deputy Olvera wrote he was assigned as a Capture Deputy on the Red Extraction Team. Olvera said he entered the cell behind Deputies Rodriguez and Salazar. Deputy Olvera grabbed onto the inmate's legs and along with Deputy Salazar they pulled the inmate down to the floor as the extraction protocol prescribes. Deputy Olvera reported resisted handcuffing on Inmate Abeyta until he and Deputy Salazar gained control and handcuffed the inmate.

IAB Note: refer to Exhibit C for Deputy Olvera's supplemental report under file number 006-00633-5100-057.

Deputy [redacted] prepared a supplementary report and provided a statement to Central Jail Sergeant Paul Jernigan.

Deputy [redacted] reported substantially the same as Deputies Rodriguez, Salazar, and Olvera reported with the following exceptions. [redacted] said he was assigned as the Pepper Ball Gun Deputy on the Red Extraction Team. He was directed by Sergeant Jernigan to launch the pepper ball gun into Abeyta's cell dispersing Oleoresin Capsicum powder within. Deputy [redacted] reported he fired between five and ten pepper balls into the cell ceiling above the mattress that Abeyta was shielding himself with. The pepper balls did not appear to have any affect on Abeyta because he refused to surrender. [redacted] said Sergeant Jernigan ordered the deployment of the MK 46 O.C. dispersal cannister into the cell. Deputy [redacted] said he backed away from the cell and remained as security on the module row.

IAB Note: refer to Exhibit D for a copy of [redacted] **supplementary report documenting the incident, his force used and observations, under the file # 006-00633-5100-057.**

INMATE'S STATEMENT:

Inmate Abeyta was contacted by I.A.B. investigators' Landreth and Anderson on May 2, 2006, at L.C.M.C., 13th Floor. Inmate Abeyta refused to give any statement and said, "no comment" when asked what occurred in his module.

EMPLOYEE WITNESS STATEMENTS:

Sergeant Paul Jernigan, [redacted] prepared a supplementary report documenting his actions and observations as the extraction team leader. Sergeant Jernigan reported on May 2, 2006, he was assigned as the Red Team Extraction Team Leader for Men's Central Jail. At about 1930 hours he was advised both the Red and Green Extraction Teams had been activated. Once everyone dawned their gear both extraction teams reassembled in the 3000 Floor Chapel.

Once inside of the Chapel, the watch sergeant, Sergeant Frank Matillo, briefed both teams regarding a situation in the 3500 Module. Sergeant Matillo briefed that the inmates on both the A and C rows had assaulted custody personnel by throwing urine and feces (Gassing) on them, displayed "shanks", and verbally threatened the personnel. Matillo explained to the teams that both rows had begun fortifying their cells in preparation of a fight with staff. All requests by the floor sergeant to have the inmates submit to handcuffing went ignored by the inmates. The watch commander, Lieutenant Wesley Sutton, made several demands of the inmates to allow the deputies to handcuff them and his demands were also ignored. Lieutenant Sutton also explained that O.C. spray and pepper balls had been introduced onto C Row. Lieutenant Sutton briefed the extraction teams of his expectations and authorized the extractions if continued negotiations broke down with the inmates.

Sergeant Jernigan briefed the Red Team of his expectations, assigned specific assignments **(Refer to Exhibit L, Jernigan's supplemental report for a listing of assignments and the plan as laid out by Jernigan),** tasks, replacement members, and force reporting policy. Sergeant Jernigan said after the briefing was completed Lieutenant Sutton addressed the teams and informed them all negotiations had failed and they would begin the extractions on C Row because items, possibly weapons, were seen passed from A Row to C Row by the use of "Fish Lines."

Sergeant Jernigan wrote as his team approached 3500 C-4, he saw **Inmate Jerome Abeyta** standing at the rear of his cell completely concealed by a mattress. Sergeant Jernigan ordered Abeyta to surrender and allow the deputies to place him in handcuffs. Abeyta responded in Spanish that he would not comply. Jernigan directed Deputy [redacted] to launch between five and ten pepper balls into the cell above the mattress in an attempt to gain compliance without force. Jernigan ordered Abeyta to surrender again and Abeyta refused. Jernigan directed Deputy [redacted] to introduce O.C. gas into the cell by using the MK 46 Dispersal canister. When the O.C. spray filled the cell, Inmate Abeyta dropped the mattress and stood up. Sergeant Jernigan ordered Abeyta once agin to surrender by turning facing the rear of the cell and back up to the cell gate. Inmate Abeyta refused several more orders to surrender.

Sergeant Jernigan directed the extraction team to enter and take Abeyta into custody. Deputy Rodriguez entered the cell first with the shield and quickly struck Abeyta in the back forcing him forward toward the rear wall. Jernigan saw Innate Abeyta fall striking his head on the sink

and rear wall before becoming pinned against the wall. Deputies Salazar and Olvera pulled Abeyta's legs out and he was driven to the floor. Both deputies controlled Abeyta's arms and placed him in handcuffs. Inmate Abeyta was escorted to the medical triage area and seen by a staff nurse.

IAB Note: For additional details refer to Exhibit L for Sergeant Paul Jernigan's supplementary report under file number 006-00633-5100-057.

IAB Note: At the time of writing this review the Men's Central Jail force package and watch commander's review had not been completed. Lieutenant Sutton explained two of his supervisors were off for an extended period and had not completed their portions of the package.

INMATE WITNESS STATEMENTS:

None

SUSPECT INJURIES:

Inmate Abeyta was transported to the 13th Floor of L.C.M.C. after the altercation with deputies. Inmate Abeyta was examined by Dr. Khad. A C.A.T. scan was performed and found that Inmate Abeyta sustained a fracture to his right orbital facial bone. He was released back to his housing assignment after the examination.

IAB Note: Inmate Abeyta refused to sign a release for Medical Records Form and investigators were not allowed permission to obtain Abeyta's medical file. Dr. Khad spoke to investigators and offered his diagnosis. Refer to Exhibit N, for a copy of the Inmate Injury Report.

INMATE GREGORIO PEREZ

INVOLVED EMPLOYEE STATEMENTS:

Deputy [redacted] prepared a crime report and provided a statement to Men's Central Jail Sergeant Jernigan.

Deputy [redacted] wrote he was assigned as a [redacted] on the [redacted] He said Sergeant Jernigan, the team leader, told him the inmates on 3500 C-Row had "gassed" deputies, displayed jail made knives, and were throwing objects at custody personnel. [redacted]

was providing cover for the extraction team as they moved to each cell. When the team was preparing to enter cell #25, [redacted] saw Inmate Perez inside of cell #26 throwing unknown objects out of his cell at the extraction team members. Deputy [redacted] reported deploying several pepper balls into Perez' cell. When Deputy [redacted] reached Perez' cell he saw that Perez had barricaded himself behind his mattress. Deputy [redacted] ordered Perez to drop the mattress and prepare to be handcuffed. Perez refused and began to throw cups filled with an unknown liquid, possibly urine and feces, at him. [redacted] remained hiding behind his mattress and [redacted] deployed several more pepper balls into Perez' cell each time Perez threw objects at the deputies. Once the extraction teal arrived and prepared to enter Perez' cell, Deputy [redacted] backed away from the cell and ended his involvement.

> **IAB Note: refer to Exhibit E for a copy of [redacted] supplemental report documenting his actions, observations and use of force, under the file # 006-00633-5100-057.**

Deputy [redacted] prepared a crime report and provided a statement to Men's Central Jail Sergeant Jernigan.

Deputy [redacted] wrote he was assigned as the Pepper Ball Gun Deputy on the Red Extraction Team. [redacted] said when he arrived at Perez' cell, Perez was hiding behind a mattress, in the alcove of his cell. Sergeant Jernigan ordered Perez to surrender several times and Perez refused to comply. Sergeant Jernigan directed Deputy [redacted] to launch the pepper ball gun into Perez' cell dispersing Oleoresin Capsicum powder within. Deputy [redacted] reported he fired between five and ten pepper balls into the cell ceiling above the mattress that Perez was shielding himself with. The pepper balls did not appear to have any affect on Perez because he refused to surrender. [redacted] said Sergeant Jernigan ordered the deployment of Stinger rounds into the cell at Perez. Deputy [redacted] said he backed away from the cell and remained as security on the module row.

> **IAB Note: refer to Exhibit F for a copy of [redacted] supplemental report documenting his actions, observations and use of force, under the file # 006-00633-5100-057.**

Deputy [redacted] wrote a supplementary report documenting his involvement, use of force and observations. He also verbally reported his observations to Sergeant Paul Jernigan.

Deputy [redacted] reported he was assigned as the 37mm Deputy on the Red Extraction team. [redacted] reported the same observations as Deputy [redacted] except for the following. Deputy [redacted] said after the pepper balls did not work on Perez, Sergeant Jernigan directed him to fire one 37mm Stinger round waist-high at the rear wall behind where Inmate Perez concealed himself behind a mattress. [redacted] was directed to fire a second round at the right side of the

mattress. A third round was ordered at the floor, adjacent to the bottom of the mattress in an attempt to cause Perez to drop the mattress. Inmate Perez stood up and charged at the front cell gate, using the mattress as a shield. After Perez rammed into the cell gate, he retreated back to the rear of the cell. Sergeant Jernigan directed [redacted] to fire a fourth round to the left side of the mattress and wall, at waist-high. Deputy [redacted] said it appeared none of the Stinger rounds had any affect on Perez. Sergeant Jernigan directed Deputy [redacted] to step aside and the extraction entry team was ordered inside of the cell. Deputy [redacted] said from his position he could not see the activity inside of the cell.

> **IAB Note: refer to Exhibit G for Deputy [redacted] supplemental report under file number 006-00633-5100-057.**

Deputy [redacted] #[redacted] prepared a supplementary report and provided a statement to Central Jail Sergeant Paul Jerinigan.

Deputy [redacted] reported he was assigned as a [redacted] on the [redacted] He reported substantially the same as Deputies [redacted] and [redacted] with the following exceptions. Deputy [redacted] said when he entered the cell he pinned Perez against the rear wall. Deputies Adranga and Rodriguez pulled the mattress away from Perez and Perez began kicking at the deputies while trying to push the shield away. They were able to force Perez to the floor and pin him down. Deputy [redacted] passed the shield back to the cell entrance to assist in handcuffing Perez. Perez continued to kick and punch the deputies. Deputy [redacted] reported he kicked Perez between three and five times in his right side. Inmate Perez was lodged under the cell table and [redacted] reported hearing the Taser deployed on Perez. Deputy [redacted] said once the inmate stopped, he assisted in pulling Perez out from under the table and Perez began kicking again. The Taser was deployed again on Perez and he stopped long enough to control his arms and place him in handcuffs.

> **IAB Note: refer to Exhibit H for a copy of [redacted] supplementary report documenting the incident, his force used and observations, under the file # 006-00633-5100-057.**

Deputy Juan C. Rodriguez, #[redacted] prepared a crime report and provided a statement to Men's Central Jail Sergeant Jernigan.

Deputy Rodriguez wrote substantially the same as the other deputies. He said he was assigned as a Capture Deputy on the Red Extraction Team for the extraction of Inmate Perez. He said he entered behind Deputies [redacted] and Adranga and when Perez began punching at the deputies, Deputy Rodriguez reported kicks and punches on Perez' legs and to his face in an attempt to block Perez' assault. Deputy Rodriguez reported witnessing, at Sergeant Jernigan's direction, Deputy [redacted] deploy the Taser twice on Inmate Perez. After the Taser was used the second time, Inmate Perez surrendered and was handcuffed..

IAB Note: refer to Exhibit I for a copy of Rodriguez' supplemental report documenting his actions, observations and use of force, under the file # 006-00633-5100-057.

Deputy Nicholas Adragna, #[redacted] wrote a supplementary report documenting his involvement, use of force and observations. He also verbally reported his observations to Sergeant Paul Jernigan.

Deputy Adragna reported the same observations as Deputies Rodriguez and Salazar except for the following. Deputy Adragna was assigned as a Capture Deputy on the Red Extraction Team. When the team entered the cell and the mattress was removed from Perez, Perez began kicking and punching at the deputies. Deputy Adragna reported punching Perez five or six times in the face and jaw. With the assistance of Deputy Rodriguez, They pulled Perez to the floor. When Perez landed, he landed face first onto the cement floor. Perez crawled under the cell table and began to kick at the deputies. Deputy Adragna reported he struck Perez four or five times in the right rib cage with his left knee and was able to turn him over onto his stomach. Deputy Adragna reported he placed his knee on Perez' upper back to try and keep him pinned down because Perez was swinging his elbows at Adragna. Sergeant Jernigan directed Deputy [redacted] to deploy the Taser on Perez. When Perez stopped fighting, Adragna and Rodriguez pulled Perez out from underneath the table. Once out, Perez began to kick again at the deputies. Sergeant Jernigan directed a second deployment of the Taser on Perez. Perez stopped fighting and allowed Deputy [redacted] to place Perez in handcuffs.

IAB Note: refer to Exhibit J for Deputy Adragna's supplemental report under file number 006-00633-5100-057.

Deputy [redacted] wrote a supplementary report documenting his involvement, use of force and observations. He also verbally reported his observations to Sergeant Paul Jernigan.

Deputy [redacted] reported the same observations as Deputies Rodriguez, Adragna, [redacted] and [redacted] except for the following. Deputy [redacted] wrote he was assigned as the Taser Deputy on the Red Extraction Team. He was directed to and deployed the Taser twice on Inmate Perez.

IAB Note: refer to Exhibit K for Deputy [redacted] **supplemental report under file number 006-00633-5100-057.**

INMATE'S STATEMENT:

Inmate Perez was contacted by I.A.B. investigators' Landreth and Anderson on May 2, 2006, at L.C.M.C., 13th Floor. Inmate Abeyta refused to give any statement and said, "no comment"

when asked what occurred in his module.

EMPLOYEE WITNESS STATEMENTS:

Sergeant Paul Jernigan, #[redacted] prepared a supplementary report documenting his actions and observations as the extraction team leader. Sergeant Jernigan reported on May 2, 2006, he was assigned as the Red Team Extraction Team Leader for Men's Central Jail. At about 1930 hours he was advised both the Red and Green Extraction Teams had been activated. Once everyone dawned their gear both extraction teams reassembled in the 3000 Floor Chapel.

Once inside of the Chapel, the 3000 Floor Sergeant, Sergeant Frank Matillo, briefed both teams regarding a situation in the 3500 Module. Sergeant Matillo briefed that the inmates on both the A and C rows had assaulted custody personnel by throwing urine and feces (Gassing) on them, displayed "shanks", and verbally threatened the personnel. Matillo explained to the teams that both rows had begun fortifying their cells in preparation of a fight with staff. All requests by the floor sergeant to have the inmates submit to handcuffing went ignored by the inmates. The watch commander, Lieutenant Wesley Sutton, made several demands of the inmates to allow the deputies to handcuff them and his demands were also ignored. Lieutenant Sutton also explained that O.C. spray and pepper balls had been introduced onto C Row. Lieutenant Sutton briefed the extraction teams of his expectations and authorized the extractions if continued negotiations broke down with the inmates.

Sergeant Jernigan briefed the Red Team of his expectations, assigned specific assignments **(Refer to Exhibit L, Jernigan's supplemental report for a listing of assignments and the plan as laid out by Jernigan)**, tasks, replacement members, and force reporting policy. Sergeant Jernigan said after the briefing was completed Lieutenant Sutton addressed the teams and informed them all negotiations had failed and they would begin the extractions on C Row because items, possibly weapons, were seen passed from A Row to C Row by the use of "Fish Lines."

Sergeant Jernigan wrote as his team approached 3500 C-26, he saw **Inmate Gregorio Perez** standing at the rear of his cell hiding behind an upright mattress. Sergeant Jernigan ordered Perez to surrender and allow the deputies to place him in handcuffs. Perez responded by cursing at them and threatening to kill any deputy who entered his cell. Sergeant Jernigan directed Deputy [redacted] to launch between five and ten pepper balls into the cell above the mattress in an attempt to gain compliance without force. Jernigan ordered Perez again to surrender and Perez responded by saying, "Fuck you, mother fuckers." Sergeant Jernigan believed Inmate Perez possessed a jail-made knife and directed Deputy [redacted] to fire one 37mm Stinger round, waist high, at the wall next to Perez, in an attempt to ricochet the round into Perez. Jernigan explained he was attempting to force Perez out from behind the mattress and ascertain if he was armed. Sergeant Jernigan again ordered Perez to surrender and asked him if he was going to give up. Inmate Perez responded by yelling, "no."

Sergeant Jernigan directed Deputy [redacted] to fire a second Stinger round on the right side of the mattress in an attempt to dislodge Perez from the mattress. After the second round was fired, Jernigan said he ordered Perez to surrender and Perez responded with gang chanting. Sergeant Jernigan directed [redacted] to fire a third Stinger round at the floor directly in front of where Perez was standing. Perez suddenly charged at the cell gate using the mattress as a shield and rammed the gate. Perez retreated back to the rear of his cell and concealed himself behind his mattress. Sergeant Jernigan said he directed Deputy [redacted] to fire a fourth Stinger round, wist high, to the left of the mattress in an attempt to force Perez out from behind the mattress. After the last Stinger round Sergeant Jernigan ordered Inmate Perez to give up and the inmate offered no response.

Sergeant Jernigan directed the extraction team to enter and take Perez into custody. Deputy [redacted] entered the cell first with the shield and Deputies Adragna and Rodriguez followed. Deputy [redacted] quickly struck Perez and pinned him against the rear cell wall. Deputies Adragna and Rodriguez pulled the mattress away from Perez, who began to fight with the deputies. (Refer to Deputies Rodriguez', Adragna's, and [redacted] supplemental reports for details).Deputies Rodriguez and Adragna pulled Perez down to the floor, but Perez crawled under the cell table and continued to fight. Sergeant Jernigan summoned Deputy [redacted] the Taser Deputy, into the cell and directed him to deploy the Taser on Inmate Perez. [redacted] deployed the Taser on Perez and he stopped fighting. When Deputies [redacted] Rodriguez, and Adragna pulled Perez out from the table Perez began to swing his elbows and kick at the deputies again. Sergeant Jernigan directed Deputy [redacted] to deploy the Taser again on Perez and when [redacted] did the inmate stopped fighting and gave up. Perez was handcuffed and escorted to the established medical triage area to be examined by staff nurses.

IAB Note: For additional details refer to Exhibit L for Sergeant Paul Jernigan's supplementary report under file number 006-00633-5100-057.

INMATE WITNESS STATEMENTS:

None

SUSPECT INJURIES:

Inmate Perez was transported to the 13th Floor of L.C.M.C. after the altercation with deputies. Inmate Abeyta was examined by Dr. Khad. A C.A.T. scan was performed and found that Inmate Perez had three front teeth knocked out by the Stinger pellets. Inmate Perez was released back to his housing assignment after the examination.

IAB Note: Inmate Perez refused to sign a release for Medical Records Form and investigators were not allowed permission to obtain Abeyta's medical file. Dr. Khad spoke to investigators and offered his diagnosis.

PHYSICAL EVIDENCE:
No physical evidence was collected at the scene.

INVESTIGATOR OBSERVATIONS:
None

WEAPONS USED BY DEPUTY PERSONNEL:
Shields, Team Take-Downs, Taser, and 37mm Stinger rounds

WEAPONS USED BY SUSPECTS:
Personal weapons and resistance.

PROPERTY DAMAGE:
No property was reported damaged.

CRIMINAL INVESTIGATOR:

No additional charges were filed.

LIGHTING AND WEATHER CONDITIONS:
The incident took place inside of a custody facility. There was ambient lighting and lighting provided by overhead lights. Weather conditions did not apply.